

**MINUTES
HEARING OFFICER
OCTOBER 6, 2015**

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

STUDY SESSION 4:30 PM

Present:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Diana Kaminski, Senior Planner
Diane McGuire, Administrative Assistant II
Julie Scofield, Code Compliance Inspector
Michael Glab, Code Compliance Inspector

There were no interested citizens present at the study session.

- Staff and the Hearing Officer discussed overview and updates to the scheduled cases for this hearing.

REGULAR SESSION 5:00 PM

Present:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Diana Kaminski, Senior Planner
Diane McGuire, Administrative Assistant II
Julie Scofield, Code Compliance Inspector
Michael Glab, code Compliance Inspector

Number of Interested Citizens Present: 2

Meeting convened at 5:00 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by October 20, 2015 at 3:00 PM, to the Community Development Department.

Ms. MacDonald noted that the following item had been removed from today's agenda:

- **Agenda Item No. 2**
Request approval to abate public nuisance items at the **BOECHLER PROPERTY (CE153910)** located at 2231 South Evergreen Road. The applicant is the City of Tempe.
ABATEMENT REQUEST WITHDRAWN – PROPERTY IN COMPLIANCE
- **Agenda Item No. 3**
Request approval to abate public nuisance items at the **LISTYO PROPERTY (CE154428)** located at 2330 East Pebble Beach Drive.
ABATEMENT REQUEST WITHDRAWN – PROPERTY IN COMPLIANCE
- **Agenda Item No. 6**
Request approval to abate public nuisance items at the **LITTLE PROPERTY (CE155319)** located at 208 East Erie Drive. The applicant is the City of Tempe.
ABATEMENT REQUEST WITHDRAWN DUE TO CHANGE OF PROPERTY OWNERSHIP
- **Agenda Item No. 8**
Request approval for a use permit to allow a Series 6 bar in the PCC-1 District for **BASELINE SPORTS BAR (PL150346)** located at 201 East Baseline Road. The applicant is Amy Nations/Seven Thirteen Inc.
CASE CONTINUED TO OCTOBER 20, 2015 HEARING OFFICER
- **Agenda Item No. 9**
Request approval for a use permit to allow retail auto sales in the GID District for **ARIZONA FINE CARS (PL150364)** located at 1333 West Broadway Road. The applicant is Covey Groff/triARC Architecture & Design LLC.
CASE CONTINUED TO OCTOBER 20, 2015 HEARING OFFICER
- **Agenda Item No. 10**
Request approval for a use permit to allow RV parking to be located in the front yard setback for the **BRINER RESIDENCE (PL150311)** located at 3525 South Poplar Street. The applicant is Donald Briner.
REQUEST WITHDRAWN BY APPLICANT
- **Agenda Item No. 11**
Request approval for two (2) use permit standards to reduce the north and south side yard setbacks by 20% for a home addition for the **CARLSON RESIDENCE (PL150204)** located at 7918 South Ash Avenue. The applicant is Kevin Fulkerson/Cornerstone Design.
CASE CONTINUED TO OCTOBER 20, 2015 HEARING OFFICER

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1. Vanessa MacDonald noted that the Hearing Officer Minutes for September 15, 2015 had been reviewed and approved.
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2. Request approval to abate public nuisance items at the **VALLI PROPERTY (CE154087)** located at 2617 East Geneva Drive. The applicant is the City of Tempe.

Michael Glab, Code Inspector, gave an overview of this case. He noted that a complaint had been received and notices sent to the property owner for green pool, debris in back yard landscape and carport, inoperable vehicle in carport (flat trailer) and an unregistered vehicle (truck in driveway). Mr. Glab noted that as of today the inoperable vehicle had been removed. An open period of 180 days is being requested for this abatement.

DECISION:

Ms. MacDonald approved the abatement for CE154087 for an open period of 180 days.

3. Request approval to abate public nuisance items at the **ESPINOZA PROPERTY (CE153922)** located at 1032 East Concorda Drive. The applicant is the City of Tempe.

Julie Scofield, Code Inspector, gave an overview of this case. She noted that a complaint had been received and notices sent to the property owner for deteriorated pool, graffiti, deteriorated landscape and debris. Ms. Scofield noted that she had spoken to the property owner on the phone and explained the violations to him at that time. An open period of 180 days is being requested for this abatement.

DECISION:

Ms. MacDonald approved the abatement for CE153922 for an open period of 180 days.

4. Request approval for a use permit to exceed the maximum allowed parking for **ELLIOT CORPORATE CENTER (PL150300)** located at 875 West Elliot Road. The applicant is Chandler Eskew of PHArchitecture.

Diana Kaminski, Senior Planner, gave an overview of this case. Ms. Kaminski gave a power point presentation on the particulars of this request. She noted that the site is located on the southeast side of Elliot Road and Hardy Drive in the Southwest Overlay District. The property was developed in 1999 under Zoning Ordinance 808 which required different ratios of parking for office space, with no maximum limit. In 2005 a new Zoning Code was approved which changed the ratio and created a maximum of 125% of the required parking to reduce the amount of surface parking. The project was built with 213,120 s.f. of office requiring 853 parking spaces and providing 1,230 parking spaces; 377 spaces more than the code required at the time. The building size has not changed, however the uses have changed over the years including vocational/instructional schools, which have different parking ratios. The total number of spaces above the maximum allowed for office use would be 383 spaces; however the overall change from the existing to proposed parking on site would be 42 additional spaces. The site is located in the Warner and I-10 growth area and is not adjacent to residential neighborhoods. A 3.4% increase in parking will not impact the surrounding area.

Ms. Kaminski noted that the property owner is seeing a Development Plan Review to building elevation modifications to repaint the building and public art at the entry and for the site plan and landscape plan modifications for the new parking. This request is pending approval of this use permit for added parking. These modifications will contribute to a positive image for the immediate area and the street front appearance.

To date, staff has received no calls of inquiry or comment regarding this request.

Mr. Chandler Eskew of PHArchitecture was present to represent this case. He acknowledged the proposed Conditions of Approval and receipt of the Staff Summary Report for this case.

Ms. MacDonald noted that this request meets the requirements for a use permit:

- There will be no significant increase in vehicular or pedestrian traffic.
- There are no known nuisances arising from this use that would exceed the ambient conditions of the commercial center. Ms. MacDonald noted that this project offers generous landscaping.
- The proposed use is not in conflict with the General Plan or the surrounding neighborhood.
- The use is compatible with the existing structure and surrounding uses.
- The applicant is not proposing a use that would create a nuisance or create disruptive behavior.

DECISION:

Ms. MacDonald approved the use permit for PL150300 subject to the following conditions:

1. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention will be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
4. Any intensification or expansion of use shall require a new Use Permit.
5. Any intensification of parking on site will require a Traffic Impact Study.
6. This Use Permit does not address individual future tenant parking requirements per code. Any use or combination of uses that exceed the provided parking on site will require additional parking for code compliance or a shared parking demonstrating the parking demand can be met on site.

ANNOUNCEMENTS

- Mr. Abrahamson noted that October is National Planning Month. Related events and activities can be found on the City website. Mr. Abrahamson explained that tomorrow's activity would be Planning 101 which explains what the department does and why they do it.
- The next Hearing Officer public hearing will be held on Tuesday, October 20, 2015 at 5:00 PM with a study session scheduled for 4:30 PM.

With no further business, the public hearing adjourned at 5:15 PM.

Prepared by: Diane McGuire, Administrative Assistant II
Reviewed by:



Steve Abrahamson, Principal Planner
for Vanessa MacDonald, Hearing Officer
SA:dm